



Town of Watertown, Connecticut

Land Use Administration
Watertown Municipal Center
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PLANNING AND ZONING COMMISSION
REGULAR MEETING AGENDA
MINUTES
October 5, 2022
6:30PM

Place: Watertown Town Hall
Town Council Chambers
61 Echo Lake Road
Watertown, Connecticut

1. CALL TO ORDER

Vice-Chairman (Acting Chair) Ray Antonacci called the meeting to order at 6:35PM

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members Present: Raymond Antonacci, Vice-Chairman
Richard Antonetti, Chairman via remote access
Ken Demirs
Dan DiVito
Bob Marinaro
Dave Pope
Lou Cavallo, Secretary
Joseph D'Uva

Members Absent: John McHugh
Lou Esposito

Others Present: Mark Massoud, Administrator For Land Use/Building Services
Paul Bunevich Town Engineer
Carol Allen, Administrative Assistant

Bob Marinaro seated for Lou Esposito

4. PUBLIC PARTICIPATION –

Katherine Camara, 31 Cottage Place: Ms. Camara talked about a property on Davis Street that she reported having blight. Ms. Camara also talked about the Sealy.

5. ACCEPTANCE OF MINUTES:

Regular Meeting September 7, 2022

Text of Motion: Table

Motion made by: K. Demirs

Second by: D. DiVito

All in Favor

6. STAFF REPORT

Mark Massoud reported:

- A. Update on Zoning Regulation Revisions – recently the subcommittee met with myself and the consultant to begin a final review. With a couple of more sessions with the subcommittee we should be able to make a presentation to the commission for the first round of zoning revisions.
- B. Report on Accessory Dwelling Units and revised statutes –a decision to opt in taking effect on January 2023 or decide to look into them and revise.
- C. Update on Affordable/Alternative Housing Plan – is under consideration and that will come for adoption prior to the end of the year.
- D. Bed and Breakfast and Airbnb
- E. Food Trucks

7. CHAIRMAN'S REPORT

Vice Chair Raymond Antonacci reported:

- 1. Mark is going to redistribute the Accessory uses to the commission. At the next meeting I would like to discuss it and make a decision. If we are going to accept the state statute or are we making a draft.
- 2. I am on the subcommittee for the new regulations and I am going to recommend that we have an architectural review as part of our regulations.

3. Mark will distribute the update on the affordable alternative housing to the commission so a decision can be made for the next meeting.
8. NEW BUSINESS – none.
9. Continued Public Hearings

- a. Michael Terelmes for Site Plan/Special Permit #2022-05 to operate Bed and Breakfast accommodation in the R12.5 District at 45 Eddy Street Oakville, CT Map 113A Block 135 Lot 2

Michael Terelmes, 45 Eddy Street: I was unfortunately unable to attend the last meeting. Mr. Giland presented and read a letter, fielding some questions that you had. I don't know if he was able to answer them all and I believe is part of the reason that this is continued. The two questions he brought to my attention, one was the concern about me being a resident at the place in which I live and I do. The second was related to parking, when I submitted the plot plan for the property on the original submission, I placed all the parking on the paved driveway that I have. Rick was trying to make a better version of it off the town website, he put spaces behind the house and indicated that there would be parking behind the house. That is not the case, the parking would be on the paved area as submitted. If there are other questions that you had I would be happy to address those so that we can move this forward.

No public comment.

Text of Motion: Close public hearing
Motion made by: L. Cavallo
Second by: D. Pope
All in Favor

10. New Public Hearings

- a. Divesta Engineering for Steiner, Inc. application for 4 lot subdivision, Lake Winnemauog Road and Sperry Road, Watertown, CT Map 141, Block 20-06

Attorney Chris Smith, Land Use Attorney with the Law Firm of Alter & Pearson:
Attorney Smith submitted a notice letter and list of individuals who were sent the

notice letter for hearing, photographs of the signage that was posted, white return receipts and green cards to Carol Allen.

Attorney Chris Smith: Attorney Smith introduced Greg and Chris Steiner and the Civil Engineer Doug Divesta, Civil Engineering LLC. The application involves a subdivision application for a four-lot residential subdivision. The proposal provides for on-site septic and wells to serve each lot. The proposal is not only in compliance with your regulations but demonstrates the feasibility and the developability of each lot that is proposed in the subdivision. As required by your regulations and town requirements there will be no peak flow increases associated with any storm event up to the 25-year storm event. The first inch of rainfall will be captured and treated before being discharged. The development proposal, we respectfully submit complies with the 2002 Soil and Erosion Control Guidelines provided by the Connecticut DEEP as well as DEEP's 2004 Stormwater Manual. The subject property is located at the southeast corner of Lake Winnemaug Road and Sperry Road. It comprises 6.15 acres and is located in your R-30 zone district. The property has been utilized in the past 50 years in an agricultural sense, mostly as a cornfield. There are two wetland pockets that are located on the property, having a pending wetlands application and they will be taking that up at their next meeting on October 13th.

Doug Divesta, Professional Engineer: Mr. Divesta reviewed the subdivision map prepared by CCA LLC. showing the parcel divided into 4 lots. Lot two which is the second lot going into Sperry Road is the smallest .94 acres, the largest is lot 4 which is the most easterly lot at 2.29 acres and there are two wetland pockets. A series of test holes were done and witnessed by the Torrington Health District for each of the lots to demonstrate compliance to local and state health codes. Shown are the septic systems that meet current code for all 4 lots for 4-bedroom houses. On the proposed plan is showing a box for a proposed house showing driveway, well, septic and drainage locations. Each lot has been designed for drainage and as well as septic and grading around the house. We are providing a detention system that can handle up to the 25-year storm. We are meeting the water quality volume, which is the first inch of runoff associated with the impervious areas. We looked at the predevelopment conditions which is all agricultural and all open space and looked at it being a developed parcel again. We did get some comments from the Town Engineer regarding the wetlands issues and they are pertinent to this commission as well. The one comment was wetland flag number 4 and 5 are missing, they were out there the surveyor had missed them. The plan does indicate those flags 4 and 5, added to the site plan. Paul asked us to provide test holes and percolation tests within lots 2, 3 and 4. We were out there last week and provided test holes for those and the results can be found on sheet 3 of 3. We also had to modify one of the drainage systems on lot 3, I looked at it conservatively when I designed the system, we had modified lot 3

meeting drainage system slightly, the requirements Paul was asking. The other question he asked that lot 4 have a stone wall, 2 foot high along on the edge of wetlands because that house was close to the proposed wetlands. It goes from flag number 5 in a north easterly direction towards lot #1, toward the wetlands itself. Then I was asked to provide a split rail fence around the wetland area to keep law creep from the proposed residence toward the wetlands. Those were wetlands items and I wanted to bring them to you as well. The plan was reviewed by the Torrington Area Health and there were some comments regarding that. They were minor in nature having some detail information. The sanitarian asked for additional test holes, one on lot #3 at the southern end of the system and then one downgrading of lot 3 the septic system and then additional testing on lot 2. Those were all done and witnessed by the health department. Those plans will go back to the health department for their review to make sure we addressed all their comments. They do meet current state local health codes for a 4-bedroom design. When they get designed, they will be approved individually by the health department. Paul and I have had conversations regarding site line distances. I do show them on the plan for each of the 3 driveways one on Lake Winnemaug and one on Sperry Road. I do show 250 site line distances on the plan there they have not been field verified, we will go out there and field verify as well. Paul and I had conversations regarding what the site distances should be. He did provide an email to me from your regulations appendix e that required that the site distance should be around 400 plus feet. If you look at it more closely that was basically for an intersection from a major thorough fare road and a road itself. Under Section 5.3.7.4 Appendix e and that is street intersections not so much a driveway. If you go into your regulations both in your Planning and Zoning, your subdivisions regulations, they do talk about site distances for the zoning regulations under 34.86 says a clear visibility shall be provided in both directions at all exit points. We feel in our opinion that 250 foot if we can maintain that distance at least to the east because going to the west Sperry Road is a controlled intersection with a three way stop sign there. We are getting 250 feet plus going in a westerly direction is not necessarily because people are stopped there and people coming down there, they will see each other. The same thing with Sperry Road going to the north that is controlled intersection at Sperry, down there that will be less than a 250-foot distance. If you know the road, Lake Winnemaug it is a straight shot in that area. Going east it's getting a 250-site distance there shouldn't be any issues at all.

Lou Cavallo: I thought there was a lot minimum for septic and well.

Attorney Chris Smith: Can I respond to the commission. It's my understanding that your regulations in an R30 zone have certain minimum lot size requirements and these lots do meet that. As far septic and wells there are certain distance requirements besides soil requirements for the septic. There are certain distances

between the septic and the well property lines and what not. There is no minimum lot size that I am aware of under the state health code. I think it is based on soil types and whether they could accommodate the on-site septic, the reserve area and then you have to keep distances obviously between those two components of an on-site septic. Your well is going to be on the property for obvious reasons. I don't think there is a minimum lot size by the health code. This is in an R30 zone, the lots do meet your R30 zoning requirements for minimum lot size. The next question is can you situate or locate an onsite septic and as we indicated part of our presentation, our responsibility to this commission and to the public is to that each one of the lots is feasible and suitable as a developable lot meaning that it will support an onsite septic and the well can be located this distance requirements. As Mr. Divesta indicated there was a preliminary review by the Health District to confirm that we meet minimum requirements for this commission.

Doug Divesta: We do have a primary and reserve and that is required by the state health code. To continue on what Chris was saying we also have to meet separation distances from adjacent properties septic and wells as well and it's the neighboring as well, we do meet all those requirements. We have to meet 100 percent of the health code requirement for a new subdivision like this.

Ken Demirs: I think you did a great job of utilizing the piece of land that you have for these four lots. The area that you had highlighted in yellow the wetlands, does that include the hundred-foot setback, the review area?

Doug Divesta: No, it does not that is just the wetlands. You see that yellow green there, that is the actual wetlands, the red line you see there going through the property from north to south and the southwest corner that is the upland review area.

Paul Bunevich, Town Engineer: I downloaded the regulations, it makes a distinction between the lot sizes depending on whether it has municipal water or not. In an R30 without municipal water, which these are, the septic you need 40,000 square feet which the minimum lot sizes 40,000 on these lots. Again, as long as they meet the health department requirements for separating distances from wells, septic and all that, the lots do meet the minimum requirements.

Attorney Chris Smith: Mr. Chairman with the open space to meet the 10 percent, they initially were going to propose a fee in lieu as provided by your regulations Section 7.10. What they would like to do is with the wetlands area they are thinking of having that as a conservation area and as you know your regulations you can't have more than 50 percent of open space to constitute wetlands and

the idea would be to have possibly a hybrid form, we can work with the commission and your professional staff on that. A formula where we would come up with the fee in lieu there would be the wetlands area that would be calculated out would constitute the open space, it would be designated space. As Mr. Divesta indicated the wetlands have been either surrounded so to speak with a wall and/or split rail fence for demarcation processes and if there be a deed restriction for a conservation area that would obviously run with each one of those two lots that are subject to the wetlands. Then the balance of the 10 percent would be provided to the commission as fee in lieu. At least that would be the initial thought process moving forward with the commission.

Ken Demirs: I don't believe looking at this map, where I see all these residential houses around this wouldn't be a good application to accept any kind of open space. There is nothing else contiguous with it, we stopped doing that a long time ago so the fee in lieu of is probably is the way to go.

Attorney Chris Smith: If I may your regulations certainly say that and that is our initial feeling so we would do a straight fee in lieu. If conservation requires something in addition, we would certainly do that. I certainly agree with you totally when you look at there is nothing meaningful to connect anything, a corridor of any type with open space, thank you for confirming that.

Vice Chair Raymond Antonacci: Does the public have any comments on this?

Tammy Ricciardi: I am here to speak with my mother from 35 Sperry Road. I wanted to raise two points, one with regards to traffic on the road. I do want to remind the board that on Lake Winnemaug Road is not exactly is a straight shot there has been fatalities on that corner and the cars do go flying up that road. I understand the stop sign was recently introduced. There is a tree right there, numerous lives have been lost. Secondly, I do know that the property was surveyed, so the 35 Sperry Road is adjacent to the first of the planned parcels. Our boundary line is and I want to dispute that, the markers that have been placed are actually in our lawn.

Vice Chair Raymond Antonacci: The Planning and Zoning Commission cannot address that issue, your claim of ownership where the stakes are. The Planning Commission does not have the authority on that issue.

Vice Chair Raymond Antonacci: I would like to make a motion to continue this public hearing because we have to have Wetlands approval before we can act on it.

Text of Motion: Continue Public Hearing to the November 2, 2022 Regular Meeting

Motion made by: K. Demirs

Second by: D. DiVito

All in Favor

- b. Matt Taylor site plan/special permit application #2022-06 for Bed and Breakfast accommodation at 184 Platt Road, Watertown, CT Map 97 Block 10 Lot 30b R70 District.

Vice Chair Raymond Antonacci: I would entertain a motion to table this and to refer this application regarding an Airbnb to the zoning administrator. The new regulations that we are drafting, I do believe we are going to handle the Airbnb's as a question that goes under the zoning administration and not a matter that goes to a special permit and a hearing in front of the commission. I would like to begin here because we have not set a public hearing.

Text of Motion: Table application and refer to Land Use Administrator for review and approval

Motion made by: K. Demirs

Second by: L. Cavallo

All in Favor

11. Articles on Agenda (for possible approval)

- a. Michael Terelmes for Site Plan/Special Permit #2022-05 to operate Bed and Breakfast accommodation in the R12.5 District at 45 Eddy Street Oakville, CT Map 113A Block 135 Lot 2

Vice Chair Raymond Antonacci: I would like a motion to table this and refer this to the zoning administrator.

Text of Motion: Table application and refer to Land Use Administrator for review and resolution.

Motion made by: K. Demirs

Second by: L. Cavallo

All in Favor

12. Communications and Bills

- a. Cherry Hill Construction/Greenway Construction Bond

Mark Massoud, Administrator for Land Use/Building Services: I did receive correspondence from the Parks Commission to myself, Mark Raimo and Paul Jessell with regards to Cherry Hill Construction aka Frost Bridge Associates. There has been a long-standing dispute in terms of these folks completing their portion of the Naugatuck Greenway, which runs behind their property. They were supposed to complete that several years ago upon completion of their facility, that has not been done. They appear to be unresponsive to repeated requests from the Town Attorney to implement those measures. The Parks and Recreation Commission is formally asking the Town Attorney to take the bond that is in place and utilize that to complete the greenway.

Text of Motion: The Commission approves the forfeiture of the bond from Cherry Hill Construction
Motion made by: D. DiVito
Second by: R. Antonetti
All in Favor

2. A letter from Tina Minnillo with regards to the 45 Eddy Street application.

13. NEXT MEETING DATE: **November 2, 2022**

14. ADJOURNMENT

Text of Motion: Adjourn at 7:30PM
Motion made by: D. DiVito
Second by: L. Cavallo
All in Favor

Lou Cavallo _____
Secretary